



**Town of Surfside
Town Commission Meeting
AGENDA**

November 13, 2012

7 p.m.

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks** – Mayor Daniel Dietch
- E. Agenda and Order of Business** Additions, deletions and linkages
- F. Community Notes** – Mayor Daniel Dietch
- G. Dr. Rodriguez, Ruth K. Broad Principal** – Roger M. Carlton, Town Manager
- H. Certificate of Achievement for Excellence in Financial Reporting** – Don Nelson,
Finance Director **Page 1 - 2**

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (*Set for approximately 7:30 p.m.*)

All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the Consent Agenda and discussed separately.

Recommended Motion: To approve all consent agenda items as presented below.

** Denotes agenda items as “must haves” which means there will be significant impacts if the item is not addressed tonight. If these items have not been heard by 10 p.m., the order of the agenda will be changed to allow them to be heard.*

- *A. **Minutes** - October 15, 2012 – Special Commission Meeting **Page 3 - 11**
- B. Budget to Actual Summary as of August 31, 2012** – Donald Nelson, Finance Director **Page 12 - 13**
- *C. **Town Manager’s Report (Points of Light)** – Roger M. Carlton, Town Manager **Page 14 - 46**
- *D. **Town Attorney’s Report** – Lynn M. Dannheisser, Town Attorney **Page 47 - 53**
- *E. **Projects Progress Report** – Calvin, Giordano and Associates, Inc. **Page 54 - 56**
- F. Committee Reports** – Roger M. Carlton, Town Manager (*Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent approved minutes have been included*)
 - September 20, 2012 – Parks and Recreation Committee Meeting **Page 57-58**
 - September 12, 2012 - Tourist Board Meeting **Page 59 - 61**

4. Ordinances

(Set for approximately 8:50 p.m.) (*Note: Good and Welfare must begin at 8:15*)

A. Second Readings (Ordinances and Public Hearing)

- *1. **Reduced Rate for Solid Waste Removal** – Donald Nelson, Finance Director **Page 62 - 65**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 66-35, “SCHEDULE OF FEES” OF THE CODE OF ORDINANCES TO ESTABLISH A NEW RATE FOR SOLID WASTE REMOVAL TO DOWNTOWN BUSINESSES ABOVE STREET LEVEL WITH A 25% FEE REDUCTION WHICH SHALL BE EFFECTIVE OCTOBER 1, 2012; PROVIDING FOR INCLUSION IN THE CODE BY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

- 2. **Maximum Continuous Wall Frontage Ordinance** – Vice Mayor Michael Karukin **Page 66**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING; SECTION 90-51 MAXIMUM FRONTAGE OF BUILDINGS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[Ordinance deferred to December 11, 2012 Town Commission Meeting at 7:00PM]

3. Elimination of DRB – Lynn Dannheisser, Town Attorney Page 67

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” BY DISSOLVING THE DESIGN REVIEW BOARD AND CONSOLIDATING THE DESIGN REVIEW FUNCTION INTO THE EXISTING FUNCTIONS OF THE PLANNING AND ZONING BOARD, CHANGING MEMBERSHIP REQUIREMENTS FOR PLANNING & ZONING BOARD; AND PROVIDING FOR FILLING OF VACANCIES; INCLUDING A TRANSITIONAL PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Ordinance deferred to December 11, 2012 Town Commission Meeting at 7:00PM]

(Set for approximately 9:00 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

- 1. Pension Amendment – Roger M. Carlton, Town Manager Page 68**
[This item will be delivered under separate cover if the Davis case is settled prior to trial]

- *2. FEMA Reinsertion of Section 42-92 (6) CCCL Elevation of Construction – Lynn Dannheisser, Town Attorney Page 69 - 83**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 42 AND SPECIFICALLY SECTION 42-41 “DEFINITIONS”; SECTION 42-76 “PERMIT PROCEDURES”; SECTION 42-77 “DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR”; SECTION 42-91 “GENERAL STANDARDS”; SECTION 42-92 “SPECIFIC STANDARDS” INCLUDING RE-INSERTION OF SUBPARAGRAPH (6) RELATING TO THE CCCL; AND SECTION 42-95 COASTAL HIGH HAZARD AREAS (V-ZONES) OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE

3. **Amendment to Lobbyist Registration and Adoption of Forms – Lynn Dannheisser, Town Attorney Page 84 - 94**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 2-235 OF THE CODE OF THE TOWN OF SURFSIDE RELATING TO LOBBYIST REGISTRATION AND; PROVIDING FOR DEFINITIONS; PROVIDING FOR ANNUAL EXPIRATION AND RENEWAL FOR LOBBYIST REGISTRATIONS; REQUIRING REGISTRATION OF PRINCIPALS; REQUIRING DISCLOSURE OF ANNUAL LOBBYIST EXPENDITURE BY JANUARY 15TH OF EACH YEAR; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

4. **Amendment to Short Term Rental Ordinance to Allow for Alternative Notice and Amendment to Paragraph References – Lynn Dannheisser, Town Attorney Page 95 - 99**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-41.1 “SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOUSES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

5. **Delinquency Penalties and Condominium Hotel Resort Tax Ordinance – Lynn Dannheisser, Town Attorney Page 100 - 105**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 70 AND SPECIFICALLY AMENDING SECTION 70-107 DEFINITIONS; AMENDING SECTION 70-117 DELINQUENCY PENALTIES, INTEREST; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

5. Resolutions and Proclamations

(Set for approximately 9:30 p.m.) (Note: Depends upon length of Good and Welfare)

- *A. Tourism Five Year Strategic Plan Consultant and Business Improvement District Organizational Plan – Duncan Tavares, TEDACS Director (SET FOR TIME CERTAIN 8:20 P.M.) Page 106 - 129**

[Resolution and Attachment “2” will be delivered under separate cover]

- *B. Employee Health Benefits Retroactive Contract Renewal for FY 12-13 – Yamileth Slate-McCloud, Human Resources Director (SET FOR TIME CERTAIN 8:10 P.M.) Page 130 - 322**

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, RETROACTIVELY APPROVING THE GROUP HEALTH PLAN WITH UNITED HEALTHCARE / NEIGHBORHOOD HEALTH PLAN AND THE DENTAL, TERM LIFE INSURANCE, ACCIDENTAL DEATH, SHORT TERM DISABILILTY, AND LONG TERM DISABILITY WITH MUTUAL OF OMAHA; PROVIDING FOR AN EFFECTIVE DATE.

- *C. Expenditure of Forfeiture Funds – David Allen, Chief of Police Page 323 - 327**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2012/2013 POLICE FORFEITURE FUND EXPENDITURE IN THE AMOUNT OF SIXTY-TWO THOUSAND FOUR HUNDRED NINETY DOLLARS (\$62,490) TO BE FUNDED BY PROCEEDS OF CONFISCATED FUNDS.

- *D. Fraternal Order of Police Local 135 Collective Bargaining Agreement – Year 3 Wage Re-opener – Roger M. Carlton, Town Manager Page 328 - 343**

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA APPROVING AND RATIFYING THE FRATERNAL ORDER OF POLICE COLLECTIVE BARGAINING AGREEMENT – YEAR 3 WAGE RE-OPENER FOR THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF SURFSIDE AND THE FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE DATED OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2013; DIRECTING THE TOWN MANAGER TO EXECUTE THE FRATERNAL ORDER OF POLICE COLLECTIVE BARGAINING AGREEMENT- YEAR 3 WAGE RE-OPENER AGREEMENT ON BEHALF OF THE TOWN; AUTHORIZING THE TOWN MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS OF THE FRATERNAL ORDER OF POLICE COLLECTIVE BARGAINING AGREEMENT – YEAR 3 WAGE RE-OPENER AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

- *E. Miami Dade County – Prohibition of Red Light Cameras – Roger M. Carlton,
Town Manager Page 344 - 356**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, IN SUPPORT OF THE “RED LIGHT CAMERA” PROGRAM AND IN OPPOSITION TO THE MIAMI-DADE COUNTY BOARD OF COMMISSIONERS LEGISLATIVE ITEM FILE NUMBER 121524; ORDINANCE REPEALING RESOLUTION NO. R-759-10 REPEALING DIRECTION AND AUTHORITY TO IMPLEMENT A “RED LIGHT CAMERA” PROGRAM IN MIAMI-DADE COUNTY IN THE UNINCORPORATED AREA OR ON COUNTY ROADS IF IT AFFECTS THE ABILITY OF THE TOWN OF SURFSIDE FROM MAINTENANCE OF ITS “RED LIGHT CAMERA” PROGRAM; AUTHORIZING THE TOWN MANAGER AND DIRECTING THE TOWN CLERK TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO THE MUNICIPAL CLERK OF MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

- F. Lease of a Four Wheel Drive Vehicle for Police Department – David Allen,
Chief of Police Page 357 - 369**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN EXPENDITURE IN THE AMOUNT OF \$31,820 OF THE PHASE TWO POLICE VEHICLE LEASE PROGRAM WITH SUNTRUST BANK FOR THE LEASE OF A FORD EXPLORER INTERCEPTOR UTILITY VEHICLE; AUTHORIZING THE TOWN MANAGER TO ENTER INTO THE AGREEMENT BY AND BETWEEN THE TOWN AND SUNTRUST BANK; AND PROVIDING FOR AN EFFECTIVE DATE.

- G. Proposed Agreement with the Miami-Dade State Attorney’s Office to
Prosecute Criminal Municipal Ordinances – David Allen, Chief of Police Page
370 - 388**

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO EXECUTE AN AGREEMENT WITH THE MIAMI-DADE STATE ATTORNEY’S OFFICE TO PROSECUTE CRIMINAL MUNICIPAL ORDINANCE VIOLATIONS IN SURFSIDE; AND PROVIDING FOR AN EFFECTIVE DATE.

- *H. Surfside Community Shuttle Service Contract (Limousines of South Florida, Inc.) – Bill Evans, Public Works Director Page 389 - 390**

[Resolution and Agreement will be delivered under separate cover]

- *I. Miami Dade County – People’s Transportation Plan: MDTA Agreement for the Surfside Bus – Roger M. Carlton, Town Manager (SET FOR TIME CERTAIN 8:00 P.M.) Page 391 - 407**

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA (“TOWN”), AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO ENTER INTO AN AGREEMENT WITH MIAMI-DADE COUNTY TO PROVIDE PUBLIC TRANSPORTATION SERVICES TO THE RESIDENTS OF THE TOWN AND FOR THE TOWN TO PROVIDE ALTERNATIVE SUPPLEMENTAL PUBLIC TRANSIT THROUGHOUT THE TOWN ON A DESIGNATED ROUTE AND SCHEDULE AS AMENDED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

6. Good and Welfare (Set for approximately 8:15 p.m.)

Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.

All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the consent agenda and discussed separately.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

- *A. Committee Appointments – Sandra Novoa, Town Clerk Page 408 - 409**
- *B. Calvin Giordano & Associates (CGA) Agreement Update- Roger M. Carlton, Town Manager (SET FOR TIME CERTAIN 8:45 P.M.) Page 410 - 1578**
- *C. Undergrounding Utilities – Roger M. Carlton, Town Manager (SET FOR TIME CERTAIN 7:30 P.M.) Page 1579 - 1604**
- *D. Town Manager Transition Planning – Roger M. Carlton, Town Manager Page 1605 - 1609**
- E. Setting Priorities to Give Direction to the Town Manager and Town Attorney – Roger M. Carlton, Town Manager Page 1610 -1613**
- F. Topics for a combined meeting of the Town Commission and Planning and Zoning Board – Vice Mayor Michael Karukin Page 1614**
- G. Discussion regarding reports on the Commission Agenda – Commissioner Michelle Kligman Page 1615**
- *H. Change of Town Commission Meetings for 2013 – Roger M. Carlton, Town Manager Page 1616**
- * I. Failure of the Seawall to the South of the Intersection of 88th Street and Carlyle Avenue – Bill Evans, Public Works Director Page 1617 - 1627**
- J. Backflow Preventers – Commissioner Joe Graubart Page 1628 - 1631**
- K. Setting Date to Discuss Commission Priorities – Commissioner Kligman Page 1632**
- L. Discussion Item Fact Sheet - Mayor Daniel Dietch Page 1633**
- *M. Miami-Dade County Consent Decree Settlement Agreement – Roger M. Carlton, Town Manager Page 1634 - 1661**
- N. Red Cross Donation – Commissioner Graubart Page 1662**

10. Adjournment

Respectfully submitted,

Roger M. Carlton
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH

RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.